

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 682

By: Senator B. Davis  
By: Representative Bentley

## For An Act To Be Entitled

AN ACT CONCERNING LICENSING REQUIREMENTS FOR  
CHILDCARE FACILITIES; TO AMEND THE LAW CONCERNING  
INSPECTIONS AND INVESTIGATIONS OF CHILDCARE  
FACILITIES; AND FOR OTHER PURPOSES.

## Subtitle

CONCERNING LICENSING REQUIREMENTS FOR  
CHILDCARE FACILITIES; AND TO AMEND THE  
LAW CONCERNING INSPECTIONS AND  
INVESTIGATIONS OF CHILDCARE FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-78-214, concerning inspections and investigations of childcare facilities and personnel, is amended to add an additional subsection to read as follows:

(c)(1) Before the division concludes an investigation of a childcare facility under this section, the licensee of the childcare facility shall be given an opportunity to:

(A)(i) Request that the division interview one (1) or more individuals with information relevant to the investigation.

(ii) The division shall interview an individual identified by the licensee under subdivision (c)(1)(A)(i) of this section;

(B) Provide the division with evidence relevant to the investigation; and

(C) Respond in writing to the allegations against the



childcare facility.

(2) The division shall consider information obtained under the provisions of subdivisions (c)(1)(A)-(C) of this section in making a determination as to whether the childcare facility is being operated in accordance with this section and the published rules of the division for childcare facilities.

(3) The division shall not publish a determination that the childcare facility is not being operated in accordance with this section and the published rules of the division for childcare facilities on the website of the Department of Human Services until after the division provides written notice to the childcare facility of the rights described under subdivisions (c)(1)(A)-(C) of this section and the childcare facility:

(A) Does not respond to the notice within thirty (30) days of the date on which the childcare facility receives the notice;

(B) Does not provide the information described under subdivisions (c)(1)(A)-(C) of this section to the division:

(i) Within thirty (30) days of the date on which the childcare facility receives the notice; or

(ii) At a later time as permitted by the division;

or

(C) Waives the right to provide the information described in subdivisions (c)(1)(A)-(C) of this section.

SECTION 2. Arkansas Code Title 20, Chapter 78, Subchapter 2, is amended to add additional sections to read as follows:

20-78-229. Playground diagrams – Changes to play areas.

(a) A childcare facility shall not be required to submit a satellite photo of a playground located on the property of the childcare facility to the Division of Child Care and Early Childhood Education if the childcare facility provides the division with a diagram of the playground that:

(1) Clearly identifies the perimeter of the playground;

(2) Includes measurements of the perimeter of the playground;

and

(3) Identifies each piece of playground equipment used by children enrolled at the childcare facility.

(b) A childcare facility shall not be required to obtain the approval

of the division before changing the play area boundaries and playground equipment used by children enrolled at the childcare facility.

20-78-230. Infant and toddler handwashing.

(a) A child who attends a childcare facility shall not be required to wash his or her hands while at the childcare facility if the child is unable to stand on his or her own and reach a sink while using a step stool.

(b) A child who is unable to wash his or her hands as described under subsection (a) of this section may use sanitary hand wipes or hand sanitizer in lieu of washing his or her hands.